

REMARKS

This is in response to the Official Action currently outstanding with regard to the present application, which Official Action the Examiner has designated as being FINAL in view of the Advisory Action of 23 March 2006 wherein the Examiner has indicated that Newly proposed or amended claims 26, 30-35, 37, 40 and 43 would be allowable if submitted in a separate, timely filed, amendment canceling the non-allowable claims. Specifically, this Second Amendment After Final Rejection Under 37 CFR 1.116 constitutes a resubmission of the Amendment After Final Rejection Under 37 CFR 1.116 filed on 1 March 2006 wherein withdrawn Claim 36 is proposed to be canceled in addition to the previously proposed cancellation of Claims 27, 28, 29, 38, 39, 41 and 42.

More particularly, Claims 26-43 were pending in this application at the time of the issuance of the currently outstanding Official Action. By the foregoing Amendment, Applicant proposes that Claims 26, 32, 37 and 40 be amended as indicated. Claims 1-25 previously were canceled, without prejudice. Applicant now proposes that Claims 27, 28, 29, 36, 38, 39, 41 and 42 be canceled. Applicant does not propose the addition or the withdrawal of any other claims by the foregoing Amendment. Accordingly, in the event that the Examiner grants entry to the foregoing Amendment, Claims 26, 30-35, 37, 40 and 43 as amended above will constitute the Claims under active prosecution in this application.

The Claims of this application are reproduced above including appropriate status identifiers and indications of the changes Applicant proposes as required by the Rules.

More particularly, in the currently outstanding Official Action the Examiner has:

1. Failed to re-acknowledge Applicants' claim for foreign priority under 35 USC §119 (a)-(d) or (f), and reconfirm the receipt of the required copies of the priority documents by the United States Patent and Trademark Office – **the Examiner acknowledged and confirmed these filings earlier in this prosecution;**

2. Failed to provide Applicants with an indication concerning the acceptability of the drawings as filed with this application – **the Examiner indicated that the drawings filed on 7 July 2004 were accepted earlier in this prosecution;**
3. Failed to acknowledge his consideration of the Information Disclosure Statement filed in this application on 8 July 2005 by providing the Applicants with a copy of the Form PTO/SB/08a/b that accompanied that Statement duly signed, dated and initialed to confirm the consideration of the art listed therein – **appropriate acknowledgement of the Information Disclosure Statement filed on 8 July 2005 is respectfully requested;**
4. Rejected Claim 26-28, 30-35, 37-38, 40-41 and 43 under 35 USC §103(a) as being unpatentable over Welch (U.S. Patent No. 5,903,373) in view of Ota (U.S. Patent No. 5,986,790);
5. Rejected Claims 33, 34 and 35 under 35 USC 103(a) as being unpatentable over Welch (U.S. Patent No. 5,903,373) in view of Ota (U.S. Patent No. 5,986,790) as applied to Claim 32, and further in view of Knapp (U.S. Patent 4,975,926) and Sumi et al (U.S. Patent 4,536,057); and
6. Indicated that Claims 29, 39 and 42 are objected to as being dependent upon a rejected base claim, but that those claims would be allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims.

No further comment regarding items 1-3 above is deemed to be required in these Remarks.

With regard to items 4-6 above, Applicant herein proposes the following Amendments:

Claims 26 and 32 be amended so as to incorporate the subject matter of dependent Claims 28 and 29;

Claims 27, 28, 29 and 36 be canceled, without prejudice.

Claims 37 and 40 be amended so as to depend from Claim 26 in view of the cancellation of Claim 27 from which they previously depended;

Claims 38 and 39 be canceled, without prejudice, because the subject matter of those claims would correspond to amended Claim 37 in the event that their dependencies were to be corrected in view of the cancellation of Claims 28 and 29; and

Cancel Claims 41 and 42 because the subject matter of those claims would essentially correspond to Claim 40 in the event that they were amended to correct their dependencies in view of the cancellation of Claims 28 and 29.

In the currently outstanding FINAL Official Action, at page 5, the Examiner indicated that Claims 29, 39 and 42 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims. By the foregoing Amendment, Applicant proposes that the subject matter of Claims 28 and 29 be incorporated into both independent Claim 26 and independent Claim 32, and respectfully submits that such an Amendment would place both Claim 26 and Claim 32 in condition for allowance. Further, since Claims 39 and 42 depending from Claim 29 correspond to Claims 30 and 31 depending from Claim 26, Applicant respectfully submits that the proposed Amendment of Claim 26 and cancellation of Claims 39 and 41 accomplishes the same thing as a rewriting of Claims 39 and 42 in independent form would accomplish.

Therefore, Applicant respectfully submits that the entry of the foregoing Amendment combines the subject matter of Claim 29 (and Claim 28 from which it depended) with independent Claims 26 and 32 in a manner the results in Claims 26 and 32 as presented hereinabove being in condition for allowance. Further, the remainder of the foregoing Amendment is respectfully submitted to amend the dependent claims in a manner such that the dependent claims remaining in this application depend from allowable independent claims and such that redundant claims are canceled from the application.

For each and all of the foregoing reasons, and in light of the foregoing Amendment, therefore, Applicant respectfully submits that in the event that the Examiner grants entry to the foregoing Amendment, all of the claims remaining in the case (i.e., Claims 26, 30-35, 37, 40 and 43) will be in condition for allowance as required by 37 C.F.R. 1.116. Accordingly, entry of the foregoing Amendment, and reconsideration and allowance of the present application in view thereof in response to this communication are respectfully requested.

Applicant also believes that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: May 1, 2006


SIGNATURE OF PRACTITIONER

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